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Counsel for Defendant KENNEDY

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

## SAN JOSE DIVISION

10 UNITED STATES OF AMERICA, ) No. CR 12-00783 LHK  
11 Plaintiff, )  
12 vs. ) STIPULATION AND [PROPOSED]  
13 LEO JOSHUA KENNEDY, ) ORDER CONTINUING HEARING DATE  
14 Defendant. ) AND EXCLUDING TIME UNDER THE  
15 \_\_\_\_\_ ) SPEEDY TRIAL ACT

16 The defendant, Leo Joshua Kennedy, represented by Assistant Federal Public Defender  
17 Diana A. Garrido, and the government, represented by Assistant United States Attorney Jeffrey  
18 B. Schenk, hereby stipulate that, with the Court's approval, the status conference currently set  
19 for Wednesday, March 20, 2013 at 9:00 a.m., shall be continued to Wednesday, April 17, 2013 at  
20 9:00 a.m.

21 The continuance is requested to provide both defense counsel and the government with  
22 additional time to review discovery and to negotiate an appropriate resolution. The continuance  
23 would provide both parties with the reasonable time necessary for effective preparation.  
24 Accordingly, both parties respectfully request that the time between March 20, 2013 and April  
25 17, 2013 be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

1 Dated: March 18, 2013

2 STEVEN G. KALAR  
3 Federal Public Defender

4 /s/  
5 DIANA A. GARRIDO  
6 Assistant Federal Public Defender

7 Dated: March 18, 2013

8 MELINDA HAAG  
9 United States Attorney

10 /s/  
11 JEFFREY B. SCHENK  
12 Assistant United States Attorney

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1                   **[PROPOSED] ORDER**

2                   Pursuant to agreement and stipulation of the parties, the Court HEREBY ORDERS that  
3 the status conference set for March 20, 2013 be continued to April 17, 2013. The Court  
4 FURTHER ORDERS that the time between March 20, 2013 and April 17, 2013 is excluded under  
5 the Speedy Trial Act, 18 U.S.C. §3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A)  
6 and (B)(iv), that the failure to grant the requested continuance would unreasonably deny counsel  
7 reasonable time necessary for effective preparation, taking into account the exercise of due  
8 diligence. Furthermore, the Court finds that the ends of justice served by granting the requested  
9 continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court  
10 therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A)  
11 and (B)(iv).

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13 IT IS SO ORDERED.

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15 DATED: 3/18/13



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16 THE HONORABLE LUCY H. KOH  
United States District Judge

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